

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 2775

IN THE MATTER OF:

Served October 18, 1985

Application of EDWARDS TRUCKING )  
CO., INC., for Special Authoriza- )  
tion to Conduct Charter Operations )  
Pursuant to Contract with USDA )  
Forest Service )

Case No. CP-85-13

By application filed October 16, 1985, Edwards Trucking Company, Inc. ("Edwards" or "applicant"), seeks authority pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 to transport employees of the United States Department of Agriculture Forest Service ("Forest Service"), together with mail in the same vehicle with passengers, in charter operations pursuant to contract with the Forest Service. Applicant would transport these passengers and mail between Forest Service offices located at Rosslyn Plaza (1621 North Kent Street, Arlington, Va.) and the South Agriculture Building (12th & Independence Avenue, S.W., Washington, D.C.).

By its terms the contract extends from October 1, 1985, to September 30, 1985. However, the contract has not yet been executed. In lieu of an executed contract applicant has provided the proposed contract together with a letter of intent to award the contract to applicant if it receives appropriate WMATC authorization.

The service would consist of scheduled shuttle operations between the hours of 8:35 a.m. and 4:15 p.m., Monday through Friday, except federal holidays and other times when Forest Service offices may be officially closed. This contract is for a new service which has not been provided in the past.

The contract provides for service in a vehicle seating at least 37 passengers. Applicant advises that it intends to use a 1978 coach seating 46 passengers. The contract also calls for applicant to provide additional equipment as required by Forest Service and to provide a back-up bus in the event of breakdown. The Commission is unaware at this time that applicant, itself, has any additional equipment that would meet Forest Service's requirements; nor has applicant explained how it might meet such demands. We will require that it do so.

Further, with regard to the 1978 coach applicant proposes to use, we note that applicant is located in Clinton, Md., and the bus will be operated between Arlington, Va., and Washington, D.C.

Applicant advises that the vehicle is leased and that it bears Florida license plates. We are not satisfied with this arrangement, and we doubt it meets the vehicle licensing and registration requirements of the local jurisdictions involved. Applicant has no lease on file with this Commission covering the vehicle in question, and we shall require the filing of such a lease. In addition, we shall require the filing of a certificate of inspection by at least one of the local licensing jurisdictions. Moreover, we urge applicant to determine and comply with the appropriate licensing and registration requirements, lest it find itself subject to citation for violation of such requirements. We also note that this is the first time Edwards has sought WMATC authorization to operate a vehicle seating more than 15 passengers. Effective November 19, 1985, such equipment will be subject to a minimum liability insurance requirement of \$5 million, pursuant to Order No. 2721, served June 19, 1985. Finally, we note that, should this application be granted, applicant will be required to identify the vehicle(s) to be used in this service with its WMATC carrier number in accordance with Regulation No. 70-10.

Applicant has submitted a complete set of financial statements for its fiscal year ended September 30, 1984. For this contract applicant projects daily revenue of \$162.56, cost of \$115, and net profit of \$47.56. The total contract price is projected at \$40,802.56, exclusive of requirements by Forest Service for additional hours or vehicles.

Applicant states that it is experienced in providing such services and that its chief operating officers are familiar with the terms of the Compact and the Commission's rules, regulations, and requirements and will comply therewith. Applicant further states that it has never been found unfit and that no fitness proceeding is pending.

The contracting officer for Forest Service has submitted a notarized statement in support of the application stating, among other things, that Forest Service has thoroughly investigated the qualifications and references of Edwards and is satisfied with its ability properly to perform the proposed transportation services.

Inasmuch as Forest Service has executed a letter of intent to award a contract to applicant for transportation of Forest Service employees between points within the Metropolitan District for a period in excess of 181 days, this application appears amenable to processing under Commission Regulation No. 70. See Order No. 2004, served June 20, 1979. Consequently notice of this application must be published and opportunity given for the filing of protests. Protests, if any, must be written, sworn, and notarized and must contain all evidence and argument upon which the protestant would rely.

THEREFORE, IT IS ORDERED:


1. That Edwards Trucking Company, Inc., publish once in a newspaper of general circulation in the Metropolitan District notice of this application in the form prescribed by the staff of the Commission no later than Friday, October 25, 1985.

2. That applicant shall file an affidavit of such publication with the Commission no later than Monday, November 4, 1985.

3. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Regulation No. 70-06 at the office of the Commission, Suite 316, 1625 I Street, N.W., Washington, D.C. 20006, no later than Monday, November 4, 1985, and shall simultaneously serve a copy of such protest on counsel for applicant, D. L. Noble, Esq., 9015 Woodyard Road, Suite 209, Clinton, Md. 20735.

4. That applicant shall file with the Commission, no later than Monday, November 4, 1985, an original and four copies of (a) a statement indicating how it intends to provide any additional and back-up vehicles as may be required by Forest Service; (b) lease(s) covering the vehicle(s) to be used to provide service under this contract; and (c) certificate(s) of inspection of such vehicle(s) by Maryland, Virginia, or the District of Columbia.

FOR THE COMMISSION:

  
WILLIAM H. MCGILVERY  
Executive Director

